

REMARKS

Claims 2, 5, 8-11, 15-20, 23, 26-31, 33-35, 39 and 41-47 were pending in the present application. Claims 8, 42 and 43 were rejected. Claims 2, 5, 9-11, 15-20, 23, 26-31, 33-35, 39, 41 and 44-47 were allowed. By virtue of this response, claims 8, 42 and 43 have been canceled. Cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Cancellation of Claims

Claims 8, 42 and 43 were rejected in the final Office Action. Applicant cancels Claim 8, 42, and 43 without prejudice or disclaimer. Applicant expressly reserves the right to file a continuation application during the pendency of this application to continue the prosecution of the canceled claims.

Applicant states for the record, that Applicant did not intend to concede the rejection with regards to claim 8. Applicant had relied on the Examiner's statement on page 7, paragraph 9 in the Office Action dated September 24, 2004 (Paper No. 20040922), which states:

"9. Claims 2, 5, 8-11, 15-20, 23, 33-35 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (underline/bold added by Applicant for emphasis)

Thus, in the response to the September 24, 2004 Office Action, Applicant had rewritten claim 8 as instructed. Again, Applicant merely relied upon the specific statement of the Examiner that claim 8 contained patentable subject matter. Applicant's action in making claim 8 an independent claim provided a response in the clearest possible way. No argument regarding a claim is needed if the Examiner specifies the patentable nature of that claim.

Claim 8 has been canceled. Therefore, the issue regarding claim 8 is moot. However, Applicant expressly reserves the right to file a continuation application during the pendency of this application to continue the prosecution of claim 8 and argue against the rejection to claim 8.

Request for Allowance

All the presently pending claims have been allowed, as indicated in the final Office Action dated March 11, 2005 (Paper No./Mail Date 20050307). Reconsideration and allowance of this application are earnestly solicited.

CONCLUSION

In view of the above, each of the presently pending claims in this application has been allowed. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **544122000300**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By


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